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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,629	07/09/2003	Kenneth Deh-Lee	10015905-1	1466

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FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/615,629

**Applicant(s)**

DEH-LEE, KENNETH

**Examiner**

TAN Q NGUYEN

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAIL ACTION

### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-23 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-16 and 18-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ross (5,648,770).
4. As per claims 1-3, Ross discloses a system for notifying a first party of an impending arrival of a second party at a predetermined location which includes a first data structure for identifying a plurality of sites that the second party is scheduled to visit (see at least column 3, lines 34-37 and claim 6), a second data structure for defining when the first party is to receive notification of impending arrival of the second party (see column 8, lines 19-24), an interface process for receiving navigational data that is indicative of a location of the second party (see at least figure 2, items 18 and 42), a monitoring process for utilizing the navigation data and the first data structure to estimate arrival times associated with the plurality sites (see at least figure 2, items 46-54), and a notification process for generating a notification message for the first party to

communicate the impending arrival of the first party (see at least figure 2, item 58 and claim 8).

5. As per claims 4 and 7, Ross further discloses that the monitoring process determines a distance between a previous one of the plurality of sites and the predetermined location to calculate the estimated arrival times (see at least figure 3 and column 4, lines 53-61).

6. As per claims 6 and 8, Ross also discloses that the system is taking the delay time into the account of the impending second party and a minimum amount of time before the impending arrival (see at least column 4, lines 60-67).

7. As per claims 9 and 10, Ross discloses that the system includes the communication between the first party with the second party via telephone regarding to the impending arrival reschedule (see at least column 5, lines 1-9).

8. As per claims 11 and 12, Ross disclose that the system includes navigational data includes a global positioning data (see at least column 4, lines 31-41).

9. With respect to claims 13-16 and 18-23, the limitations of these claims have been noted in the rejection above. They are therefore considered rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was

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11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross as applied to the claims above, and further in view of Westerlarge et al. (5,987,377).

13. Ross discloses the claimed invention as discussed above except for the estimated arrival times are calculated based on the average speed of the second party. However, such feature is well known in the art at the time the invention was made as shown in at least column 5, lines 53-63 of the Westerlarge et al. reference. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Westerlarge et al. into the system of Ross in order to provide the system with the enhanced capability of obtain more accuracy of the estimated of arrival time by taking the average speed of the vehicle into account.

### ***Conclusion***

14. All claims are rejected.

15. The following references are cited as being of general interest: Jones (6,492,912), Winkler et al. (6,700,506), Doganata et al. (2002/001661717), Haddad et

al. (2002/0137425), Jones (2002/0015600), and Yamaguchi et al. (2004/0203032)

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Official Fax Center:

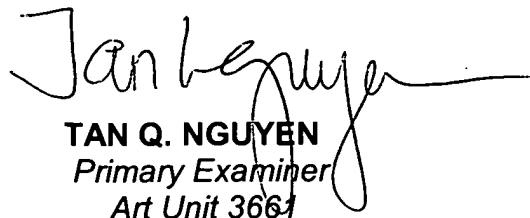
(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
December 10, 2004

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661